

04 AUG 2004

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
SHAHEED TAALIB'DIN MADYUN,  
BETTY LOU MAQDYUN and  
LARRY KISER,

STU E D  
SO FROM 11:00 AM TO 1:00 PM  
11:00 AM

Plaintiffs,

v.

Case No. 04-C-0343

LEMON, CAROL COOK, VAN RYAN, JUDY  
SMITH, JON E. LITSCHER, KENNETH  
KELLER, VERN PONTO, MARTY  
SCHROEDER, LIZ LEMERY, VAN GHEEM,  
SUE KRUEGER, CHRIS KRUEGER, WENDY  
BRUNS, SHERRY FASSBENDER, CAPTAIN  
JONES, ANGIE WOOD, PETER ERICKSEN, J.  
SCHWOCHERT, et al.,

Defendants.

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DEFENDANTS' MOTION TO PARTIALLY DISMISS ACTION

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Defendants move the court to partially dismiss this action on the ground that plaintiff Shaheed Madyun has failed to exhaust his administrative remedies with respect to all but one of

his claims and that plaintiff Betty Lou Madyun has not alleged an Eighth Amendment claim.

Dated at Madison, Wisconsin this 19~~7~~ day of August, 2004.

Respectfully submitted,

PEGGY A. LAUTENSCHLAGER  
Attorney General



JOHN J. GLINSKI  
Assistant Attorney General  
State Bar #01014024

Attorneys for Defendants

Wisconsin Department of Justice  
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CASE NAME: *Shaheed Taalib'Din Madyun, et al. v. Lemon, et al.*

CASE NO: U.S. District Court Case No. 04-C-0343 AUG 20 2004

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is employed in the office of the Department of Justice of the State of Wisconsin in the capacity of legal secretary and is a person of such age and discretion to be competent to serve papers.

That on the 19th day of August, 2004, she served a copy of the enclosed:

1. **Defendants' Motion to Partially Dismiss Action;**
2. **Defendants' Brief in Support of Motion to Partially Dismiss Action; and**
3. **Affidavits of James Zanon, William Noland and Kathleen Bierke**

by placing said copies in the United States Mail, postage paid, addressed to the person hereinafter named at the places and addresses hereinafter stated, which are the last known addresses of said person.

**Larry Kiser #139386  
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Green Bay Correctional Facility  
Post Office Box 19033  
Green Bay, Wisconsin 54307-9033**

**Betty Lou Madyun  
Post Office Box 12582  
Green Bay, Wisconsin 54313**

  
**Sharon K. Hand**